42390P7648   PATENT

REMARKS

Claims 1, 3, 4, 6, 8-12, 14 and 16-20 of the application stand rejected. Applicant respectfully requests reconsideration of pending Claims 1, 3, 4, 6, 8-12, 14 and 16-20 in light of the remarks herein.

35 U.S.C. §103

Claims 1, 3, 4, 6, 8-12, 14 and 16-20 stand rejected under 35 U.S.C. §103 as being unpatentable over Calendor (2002/0188567) in view of Kocher et al. (U.S. Patent No. 6,289,455) and further in view of Uz (U.S. Patent No. 6,351,538) and in further view of Usui et al (U.S. Patent No. 6,305,018). Applicant traverses the Examiner's rejection.

The Examiner submits that Calendor discloses a system and method for controlling the reproduction and recording of digital content comprising intercepting a signal from a view transmission, the signal comprising a scrambled content and a decryption key and extracting the decryption key from the signal. The Examiner concedes, however, that Calendore does not teach encrypting the extracted decryption key and storing the encrypted decryption key. The Examiner suggests, that Kocher teaches these elements and that that it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the use of encrypting the decryption key and storing the encrypted decryption key as Kocher teaches in the system of Calendor so as to prevent attacks to decryption keys. The Examiner additionally concedes that the combination of Calendore in view of Kocher does not disclose storing the scrambled content separate from the stored encrypted decryption key but that Uz discloses this element. Finally, although the Examiner concedes that the combination of Calendore, Kocher and Uz does not teach or suggest storing the encrypted key in a memory region that is part of a demultiplexer, the Examiner suggests that Usui teaches this element. Applicant strongly disagrees with all of the Examiner's contentions.

First, and foremost, Applicant respectfully submits that the mere fact that the Examiner is forced to rely on four separate references to allegedly show the elements of the claimed invention is an indication in and of itself that the elements of the claimed invention are in fact patentable. The Examiner's suggestion that multiple discrete

5

42390P7648   PATENT

elements from four different references may be combined to render the claimed invention unpatentable is speculative at best. Applicant is not attempting to claim any of the elements individually, but is rather claiming the novel combination of elements. Applicant respectfully suggests that the Examiner's rejection based on four separate references lends weight to Applicant's contention that the combination of elements was not known in the art at the time the invention was made.

Applicant additionally submits that the Examiner improperly combined Calendor with Kocher, Uz and Usui. For example, Calendor describes a method for simulcrypting scambled data to a plurality of conditional access and Kocher describes a method and apparatus for preventing piracy of digital content. The Examiner makes no showing of why it would have been obvious to one of ordinary skill in the art to combine Calendor with Kocher. As set out in M.P.E.P. § 706.02(j), "(t)here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." Applicant respectfully submits that there is no such motivation. For example, Calendor makes no mention or suggestion of encrypting keys, such that one of ordinary skill in the art would have been motivated to combine the teachings of Calondor with Kocher. The mere fact that both references address aspects of encryption and that, if combined, the references may provide a benefit does not prima facie render the combination obvious. Applicant therefore respectfully submits that the combination of these references is improper. Similarly, the Examiner makes no showing (other than conclusary statements) as to why it would have been obvious to one of ordinary skill in the art to combine Uz and/or Usui with Calendor and Kocher. There is no reason, barring hindsight, for one of ordinary skill in the art to combine these Calendor with Kocher, let alone with Uz and/or Usui. Applicant therefore respectfully submits that the combination of any of these references is improper barring hindsight and Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 103 rejections to Claims 1, 3, 4, 6, 8-12, 14 and 16-20.

Even assuming arguendo these references were properly combined, Applicant respectfully submits that they do not render Claims 1, 3, 4, 6, 8-12, 14 and 16-20 unpatentable. For example, the combination of these references does not teach or suggest

6

42390P7648   PATENT

the element of storing the decryption key in a memory region that is part of a demultiplexer. The Examiner submits that Usui discloses this element but Applicant strongly disagrees. The sections of Usui highlighted by the Examiner reads as follows:

> "Keys necessary for decrypting encrypted codes are stored along with a decrypting program in a CAM (Conditional Access Module) 33 which is implemented as an IC card comprising, among other components, a CPU, a ROM (Read-Only Memory) unit and a RAM unit. In the case of an encrypted signal transmitted through a satellite, it is necessary to decrypt the encrypted signal using keys necessary for the decrypting. Keys are therefore read out from the CAM 33 through a card reader interface 33 and supplied to a demultiplexer (transport IC) 24. The demultiplexer 24 decrypts the encrypted signal by using these keys."

Usui, Col. 4, lines 23-33

The Examiner contends that this language, in conjunction with FIG. 3A of Usui teaches or suggest the element of storing a decryption key in a memory region that is part of a demultiplexer. Applicant respectfully submits Applicant's own perusal of the language in Usui above and the corresponding figure leads to the conclusion that the decryption keys in Usui are NOT stored in "a memory region that is part of a demultiplexer." The language clearly contemplates "keys... are stored... in a CAM" and "keys are ... read out from the CAM... and *supplied to* a demultiplexer..." The language of storing in and reading out *from* the CAM as well as the act of supplying the keys *to* a demultiplexer (i.e., a separate component from the CAM) is strong support for Applicant's contention that the keys are not in fact stored anywhere on the demuliplexer (or memory region that is part of a demultiplexer). Applicant is therefore at a loss to understand the Examiner's interpretation of the reference and respectfully submits that the combination of Usui with Calendor, Kocher and/or Uz does not teach or suggest at least this element of the claimed invention. As such, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 103 rejections to Claims 1, 3, 4, 6, 8-12, 14 and 16-20.

7

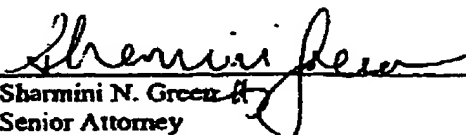42390P7648   PATENT

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that pending Claims 1, 3, 4, 6, 8-12, 14 and 16-20 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 669-1261.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

Dated: <u>January 10, 2006</u>

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8